

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1164 Session of
1997

INTRODUCED BY THOMPSON, WAGNER, EARLL, STOUT, SALVATORE,
WOZNIAK, HART AND MURPHY, OCTOBER 20, 1997

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 2, 1998

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws,"
17 ~~further providing for breweries; and authorizing the~~ <—
18 ~~production of beer or malt or brewed beverages in limited~~
19 ~~quantities for personal or family use.~~ FURTHER PROVIDING FOR <—
20 SALES BY LIQUOR LICENSEES, FOR SECONDARY SERVICE AREAS OF <—
21 CERTAIN LICENSEES, FOR CERTAIN PERFORMING ARTS FACILITIES,
22 FOR WINE AUCTION PERMITS, FOR MALT AND BREWED BEVERAGES <—
23 LICENSES, STADIUM OR ARENA PERMITS, FOR DISTRIBUTORS AND
24 IMPORTING DISTRIBUTORS RESTRICTIONS, FOR INTERLOCKING
25 BUSINESS, FOR MALT OR BREWED BEVERAGES MANUFACTURED OUTSIDE
26 THIS COMMONWEALTH, FOR EXCEPTIONS TO LIMITING THE NUMBER OF
27 RETAIL LICENSES ISSUED IN EACH MUNICIPALITY, FOR INCORPORATED <—
28 UNITS OF NATIONAL VETERANS ORGANIZATIONS, FOR LICENSES NOT
29 ASSIGNABLE, FOR APPLICATION FILING DATES, FOR THE FILING OF
30 LICENSE RENEWAL APPLICATIONS, FOR DISPLAY OF PRICES OF
31 ALCOHOLIC BEVERAGES, FOR LICENSEE'S OUTSIDE ADVERTISEMENTS,

1 FOR SPECIAL OCCASION PERMITS AND FOR LICENSEES EMPLOYED BY
2 OTHERS.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 ~~Section 1. Sections 446(2) and 492(1) of the act of April~~ <—
6 ~~12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted~~
7 ~~and amended June 29, 1987 (P.L.32, No.14), are amended to read:~~

8 ~~Section 446. Breweries. Holders of a brewery license may:~~

9 * * *

10 ~~(2) Operate a restaurant or brewery pub on the licensed~~
11 ~~premises under such conditions and regulations as the board may~~
12 ~~enforce[.]: Provided, however, That sales on Sunday may be made~~
13 ~~irrespective of the volume of food sales if the licensed~~
14 ~~premises are at a stadium or arena location.~~

15 * * *

16 ~~Section 492. Unlawful Acts Relative to Malt or Brewed~~
17 ~~Beverages and Licensees.—~~

18 ~~It shall be unlawful—~~

19 ~~(1) Manufacturing Without License. [For] Except as provided~~
20 ~~herein, for any person, to manufacture malt or brewed beverages,~~
21 ~~unless such person holds a valid manufacturer's license for such~~
22 ~~purpose issued by the board. Malt or brewed beverages may be~~
23 ~~produced by any person without a license, if such malt or brewed~~
24 ~~beverages are produced not for sale and total production does~~
25 ~~not exceed two hundred gallons per calendar year. Malt or brewed~~
26 ~~beverages produced in accordance with this paragraph may be used~~
27 ~~at organized affairs, exhibitions, competitions, contests,~~
28 ~~tastings or judging, provided it is not sold or offered for~~
29 ~~sale.~~

30 * * *

1 ~~Section 2. This act shall take effect immediately.~~

2 ~~SECTION 1. SECTION 406.1 OF THE ACT OF APRIL 12, 1951~~ <—
3 ~~(P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED~~
4 ~~JUNE 29, 1987 (P.L.32, NO.14) AND AMENDED JULY 1, 1994 (P.L.402,~~
5 ~~NO.61), IS AMENDED TO READ:~~

6 SECTION 1. SECTION 406(A) OF THE ACT OF APRIL 12, 1951 <—
7 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE, REENACTED AND AMENDED
8 JUNE 29, 1987 (P.L.32, NO.14), IS AMENDED BY ADDING A CLAUSE TO
9 READ:

10 SECTION 406. SALES BY LIQUOR LICENSEES; RESTRICTIONS.--(A)

11 * * *

12 (8) NOTWITHSTANDING OTHER PROVISIONS TO THE CONTRARY, A
13 CATERING CLUB LICENSEE THAT IS A VOLUNTEER FIRE COMPANY MAY SELL
14 LIQUOR OR MALT OR BREWED BEVERAGES TO NONMEMBERS WHO PURCHASE
15 TICKETS IN ADVANCE OR AT THE DOOR FOR A CATERED FUNCTION.

16 * * *

17 SECTION 2. SECTION 406.1 OF THE ACT, AMENDED JULY 1, 1994
18 (P.L.402, NO.61), IS AMENDED TO READ:

19 SECTION 406.1. SECONDARY SERVICE AREA.--[UPON APPLICATION OF
20 ANY RESTAURANT, HOTEL, CLUB, ANY STADIUM AS DESCRIBED IN SECTION
21 408.9 OR MUNICIPAL GOLF COURSE LIQUOR LICENSEE, AND PAYMENT OF
22 THE APPROPRIATE FEE,] UPON APPLICATION AND PAYMENT OF THE
23 APPROPRIATE FEE BY ANY GOLF COURSE LICENSEE PRESCRIBED IN
24 SECTION 461, ANY CLASS OF RETAIL LICENSEE OPERATING AT AND IN
25 CONJUNCTION WITH A GOLF COURSE AS DEFINED IN SECTION 102 OR SKI
26 FACILITY, OR ANY STADIUM AS PRESCRIBED IN SECTION 408.9, THE
27 BOARD MAY APPROVE A SECONDARY SERVICE AREA BY EXTENDING THE
28 LICENSED PREMISES TO INCLUDE ONE ADDITIONAL PERMANENT STRUCTURE
29 WITH DIMENSIONS OF AT LEAST ONE HUNDRED SEVENTY-FIVE SQUARE
30 FEET, ENCLOSED ON AT LEAST THREE SIDES [AND HAVING ADEQUATE

1 SEATING]. SUCH SECONDARY SERVICE AREA MUST BE LOCATED ON
2 PROPERTY HAVING A MINIMUM AREA OF ONE (1) ACRE, AND MUST BE ON
3 LAND WHICH IS IMMEDIATE, ABUTTING, ADJACENT OR CONTIGUOUS TO THE
4 LICENSED PREMISES [WITH NO INTERVENING PUBLIC THOROUGHFARE]. IN
5 ANY STADIUM AS DESCRIBED IN SECTION 408.9, ONLY MALT OR BREWED
6 BEVERAGES MAY BE SERVED AND THERE SHALL BE NO INTERVENING PUBLIC
7 THOROUGHFARE BETWEEN THE LICENSED PREMISES AND A SECONDARY
8 SERVICE AREA. THERE SHALL BE NO REQUIREMENT THAT THE SECONDARY
9 SERVICE AREA BE PHYSICALLY CONNECTED TO THE ORIGINAL LICENSED
10 PREMISES. IN ADDITION, THERE SHALL BE NO REQUIREMENT THAT THE
11 SECONDARY SERVICE AREA BE LOCATED IN THE SAME MUNICIPALITY AS
12 THE ORIGINAL LICENSED PREMISES, PROVIDED, HOWEVER, THAT THE
13 BOARD SHALL NOT APPROVE A SECONDARY SERVICE AREA IN THIS CASE IF
14 THAT SECONDARY SERVICE AREA IS LOCATED IN ANY MUNICIPALITY WHERE
15 THE GRANTING OF LIQUOR LICENSES HAS BEEN PROHIBITED AS PROVIDED
16 IN THIS ARTICLE. NOTWITHSTANDING 40 PA. CODE § 7.21(C)(3), THE
17 LICENSEE SHALL BE PERMITTED TO STORE, SERVE, SELL OR DISPENSE
18 FOOD, LIQUOR AND MALT OR BREWED BEVERAGES AT THE BOARD APPROVED
19 SECONDARY SERVICE AREA.

20 ~~SECTION 2. SECTION 408.4(E) OF THE ACT, AMENDED OCTOBER 5,~~ <—
21 ~~1994 (P.L.522, NO.77), IS AMENDED TO READ:~~

22 ~~SECTION 408.4. SPECIAL OCCASION PERMITS. * * *~~

23 SECTION 3. SECTION 408.4(A), (C) AND (E) OF THE ACT, AMENDED <—
24 APRIL 29, 1994 (P.L.212, NO.30), OCTOBER 5, 1994 (P.L.522,
25 NO.77), DECEMBER 20, 1996 (P.L.1523, NO.199) AND FEBRUARY 18,
26 1998 (P.L.162, NO.25), ARE AMENDED AND THE SECTION IS AMENDED BY
27 ADDING A SUBSECTION TO READ:

28 SECTION 408.4. SPECIAL OCCASION PERMITS.--(A) UPON
29 APPLICATION OF ANY HOSPITAL, CHURCH, SYNAGOGUE, VOLUNTEER FIRE
30 COMPANY, VOLUNTEER AMBULANCE COMPANY, VOLUNTEER RESCUE SQUAD,

1 NONPROFIT AGRICULTURAL ASSOCIATION IN EXISTENCE FOR AT LEAST TEN
2 YEARS, BONA FIDE SPORTSMEN'S CLUB IN EXISTENCE FOR AT LEAST TEN
3 YEARS, NATIONALLY CHARTERED VETERANS' ORGANIZATION AND ANY
4 AFFILIATED LODGE OR SUBDIVISION OF SUCH ORGANIZATION, FRATERNAL
5 BENEFIT SOCIETY THAT IS LICENSED TO DO BUSINESS IN THIS
6 COMMONWEALTH AND ANY AFFILIATED LODGE OR SUBDIVISION OF SUCH
7 FRATERNAL BENEFIT SOCIETY, OR ONE AUXILIARY OF ANY OF THE
8 FOREGOING, AND UPON PAYMENT OF THE PRESCRIBED FEE FOR SPECIAL
9 OCCASION PERMITS UNDER SECTION 614-A OF THE ACT OF APRIL 9, 1929
10 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929,"
11 THE BOARD SHALL ISSUE A SPECIAL OCCASION PERMIT GOOD FOR A
12 PERIOD OF NOT MORE THAN SIX CONSECUTIVE OR NONCONSECUTIVE DAYS
13 DURING A CALENDAR YEAR. SPECIAL OCCASION PERMITS MAY ALSO BE
14 ISSUED TO A MUSEUM OPERATED BY A NONPROFIT CORPORATION [IN A
15 CITY OF THE THIRD CLASS OR TOWNSHIP OF THE FIRST CLASS OR], A
16 NONPROFIT CORPORATION ENGAGED IN THE PERFORMING ARTS [IN A CITY
17 OF THE THIRD CLASS OR IN AN INCORPORATED TOWN], OR AN ARTS
18 COUNCIL FOR A PERIOD OF NOT MORE THAN SIX NONCONSECUTIVE OR TEN
19 CONSECUTIVE DAYS AT THE PRESCRIBED FEE FOR SPECIAL OCCASION
20 PERMITS UNDER SECTION 614-A OF "THE ADMINISTRATIVE CODE OF
21 1929."

22 * * *

23 (C) SUCH SPECIAL OCCASION PERMIT SHALL ONLY BE VALID FOR THE
24 NUMBER OF DAYS STATED IN THE PERMIT. ONLY ONE PERMIT MAY BE
25 ISSUED TO ANY PERMITTEE DURING THE YEAR. PROVIDED, THAT A MUSEUM
26 OPERATED BY A NONPROFIT CORPORATION [IN A CITY OF THE THIRD
27 CLASS OR TOWNSHIP OF THE FIRST CLASS AND], A NONPROFIT
28 CORPORATION ENGAGED IN THE PERFORMING ARTS [IN A CITY OF THE
29 THIRD CLASS], OR AN ARTS COUNCIL MAY BE ISSUED NO MORE THAN SIX
30 PERMITS DURING THE YEAR, EACH PERMIT BEING VALID FOR ONLY ONE

1 DAY, OR IN THE ALTERNATIVE, ONE PERMIT VALID FOR NO MORE THAN A
2 TOTAL OF TEN CONSECUTIVE DAYS PER YEAR[, WHICH MAY BE ISSUED
3 ONLY DURING THE MONTH OF AUGUST].

4 * * *

5 (E) THE PROVISIONS OF THIS SECTION SHALL NOT BE APPLICABLE
6 TO ANY OF THE FOLLOWING:

7 (1) A LICENSEE NOW OR HEREAFTER POSSESSING A CATERER'S
8 LICENSE, [NOR TO ANY] OTHER THAN A VOLUNTEER FIRE COMPANY,
9 VOLUNTEER AMBULANCE COMPANY OR VOLUNTEER RESCUE SQUAD, WHICH
10 OWNS ITS OWN FACILITY AND WISHES TO USE ITS SPECIAL OCCASION <—
11 PERMIT AT THAT FACILITY.

12 (2) A PROFESSIONAL FUND RAISER.

13 * * *

14 (G) FOR THE PURPOSES OF THIS SECTION "ARTS COUNCIL" MEANS A <—
15 TAX-EXEMPT ORGANIZATION WHICH PROMOTES THE VISUAL ARTS,
16 PERFORMING ARTS, OR BOTH, AND WHICH RECEIVES FUNDING UNDER THE
17 LOCAL ARTS SERVICES PROGRAM ADMINISTERED BY THE PENNSYLVANIA
18 COUNCIL ON THE ARTS.

19 SECTION ~~3~~ 4. SECTION 408.6(A) OF THE ACT, AMENDED FEBRUARY <—
20 18, 1998 (P.L.162, NO.25), IS AMENDED TO READ:

21 SECTION 408.6. PERFORMING ARTS FACILITIES IN SECOND CLASS A
22 CITIES, THIRD CLASS CITIES, BOROUGHS AND TOWNSHIPS OF THE SECOND
23 CLASS LOCATED IN FOURTH CLASS COUNTIES.--(A) THE BOARD IS
24 AUTHORIZED TO ISSUE A RESTAURANT LIQUOR LICENSE TO A NONPROFIT
25 CORPORATION OR TO A CONCESSIONAIRE SELECTED BY SUCH NONPROFIT
26 CORPORATION IN ANY CITY OF THE SECOND CLASS A, ANY CITY OF THE
27 THIRD CLASS OR ANY BOROUGH FOR THE RETAIL SALE OF LIQUOR AND
28 MALT OR BREWED BEVERAGES BY THE GLASS, OPEN BOTTLES OR OTHER
29 CONTAINER OR IN ANY MIXTURE FOR CONSUMPTION ON ANY CITY-OWNED
30 PREMISES UTILIZED AS A NONPROFIT PERFORMING ARTS FACILITY OR ANY

1 OTHER PREMISES UTILIZED AS A NONPROFIT PERFORMING ARTS FACILITY
2 WHERE THERE IS AN AVAILABLE SEATING CAPACITY WITHIN THE PREMISES
3 OF [SIX HUNDRED FIFTY] FIVE HUNDRED OR MORE: PROVIDED, HOWEVER,
4 THAT NO SALE OR CONSUMPTION OF SUCH BEVERAGES SHALL TAKE PLACE
5 ON ANY PORTIONS OF SUCH PREMISES OTHER THAN SERVICE AREAS
6 APPROVED BY THE BOARD.

7 * * *

8 SECTION 5. SECTION 408.12(A) OF THE ACT ADDED JULY 1, 1994 <—
9 (P.L.402, NO.61), IS AMENDED TO READ:

10 SECTION 408.12. WINE AUCTION PERMITS.--(A) UPON APPLICATION
11 OF ANY NONPROFIT PUBLIC TELEVISION STATION WHICH IS A MEMBER OF
12 THE PENNSYLVANIA PUBLIC TELEVISION NETWORK, ANY ORCHESTRA
13 LOCATED IN A COUNTY OF THE FIRST OR SECOND CLASS WHICH IS
14 OPERATED BY A NONPROFIT CORPORATION [OR] ANY MUSEUM LOCATED IN
15 A COUNTY OF THE FIRST OR SECOND CLASS WHICH IS OPERATED BY A
16 NONPROFIT CORPORATION OR ANY NONPROFIT CORPORATION LOCATED IN
17 ANY COUNTY OF THE THIRD CLASS WHICH TRAINS AND PLACES DOGS FOR
18 PEOPLE WHO ARE PHYSICALLY HANDICAPPED AND UPON PAYMENT OF A FEE
19 OF THIRTY DOLLARS (\$30) PER DAY, THE BOARD SHALL ISSUE A WINE
20 AUCTION PERMIT GOOD FOR A PERIOD OF NOT MORE THAN FOUR
21 CONSECUTIVE OR NONCONSECUTIVE DAYS PER CALENDAR YEAR.

22 * * *

23 SECTION 6. SECTION 431(A) AND (B) OF THE ACT, AMENDED MAY
24 31, 1996 (P.L.312, NO.49), ARE AMENDED AND THE SECTION IS
25 AMENDED BY ADDING SUBSECTIONS TO READ:

26 SECTION 431. MALT AND BREWED BEVERAGES MANUFACTURERS',
27 DISTRIBUTORS' AND IMPORTING DISTRIBUTORS' LICENSES.--(A) THE
28 BOARD SHALL ISSUE TO ANY PERSON A RESIDENT OF THIS COMMONWEALTH
29 OF GOOD REPUTE WHO APPLIES THEREFOR, PAYS THE LICENSE FEE
30 HEREINAFTER PRESCRIBED, AND FILES THE BOND HEREINAFTER REQUIRED,

1 A MANUFACTURER'S LICENSE TO PRODUCE AND MANUFACTURE MALT OR
2 BREWED BEVERAGES, AND TO TRANSPORT, SELL AND DELIVER MALT OR
3 BREWED BEVERAGES [AT OR FROM ONE OR MORE PLACES OF MANUFACTURE
4 OR STORAGE,] FROM THE PLACE OF MANUFACTURE ONLY IN ORIGINAL
5 CONTAINERS, IN QUANTITIES OF NOT LESS THAN A CASE OR ORIGINAL
6 CONTAINERS CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES OR MORE
7 WHICH MAY BE SOLD SEPARATELY ANYWHERE WITHIN THE COMMONWEALTH.
8 [LICENSES FOR PLACES OF STORAGE SHALL BE LIMITED TO THOSE
9 MAINTAINED BY MANUFACTURERS ON JULY EIGHTEENTH, ONE THOUSAND
10 NINE HUNDRED THIRTY-FIVE, AND THE BOARD SHALL ISSUE NO LICENSES
11 FOR PLACES OF STORAGE IN ADDITION TO THOSE MAINTAINED ON JULY
12 EIGHTEENTH, ONE THOUSAND NINE HUNDRED THIRTY-FIVE.] THE
13 APPLICATION FOR SUCH LICENSE SHALL BE IN SUCH FORM AND CONTAIN
14 SUCH INFORMATION AS THE BOARD SHALL REQUIRE. ALL SUCH LICENSES
15 SHALL BE GRANTED FOR A LICENSE PERIOD TO BE DETERMINED BY THE
16 BOARD. EVERY MANUFACTURER SHALL KEEP AT HIS OR ITS PRINCIPAL
17 PLACE OF BUSINESS, WITHIN THE COMMONWEALTH DAILY PERMANENT
18 RECORDS WHICH SHALL SHOW, (1) THE QUANTITIES OF RAW MATERIALS
19 RECEIVED AND USED IN THE MANUFACTURE OF MALT OR BREWED BEVERAGES
20 AND THE QUANTITIES OF MALT OR BREWED BEVERAGES MANUFACTURED AND
21 STORED, (2) THE SALES OF MALT OR BREWED BEVERAGES, (3) THE
22 QUANTITIES OF MALT OR BREWED BEVERAGES STORED FOR HIRE OR
23 TRANSPORTED FOR HIRE BY OR FOR THE LICENSEE, AND (4) THE NAMES
24 AND ADDRESSES OF THE PURCHASERS OR OTHER RECIPIENTS THEREOF.
25 EVERY PLACE LICENSED AS A MANUFACTURER SHALL BE SUBJECT TO
26 INSPECTION BY MEMBERS OF THE BOARD OR BY PERSONS DULY AUTHORIZED
27 AND DESIGNATED BY THE BOARD, AT ANY AND ALL TIMES OF THE DAY OR
28 NIGHT, AS THEY MAY DEEM NECESSARY, FOR THE DETECTION OF
29 VIOLATIONS OF THIS ACT OR OF THE RULES AND REGULATIONS OF THE
30 BOARD, OR FOR THE PURPOSE OF ASCERTAINING THE CORRECTNESS OF THE

1 RECORDS REQUIRED TO BE KEPT BY LICENSEES. THE BOOKS AND RECORDS
2 OF SUCH LICENSEES SHALL AT ALL TIMES BE OPEN TO INSPECTION BY
3 MEMBERS OF THE BOARD OR BY PERSONS DULY AUTHORIZED AND
4 DESIGNATED BY THE BOARD. MEMBERS OF THE BOARD AND ITS DULY
5 AUTHORIZED AGENTS SHALL HAVE THE RIGHT, WITHOUT HINDRANCE, TO
6 ENTER ANY PLACE WHICH IS SUBJECT TO INSPECTION HEREUNDER OR ANY
7 PLACE WHERE SUCH RECORDS ARE KEPT FOR THE PURPOSE OF MAKING SUCH
8 INSPECTIONS AND MAKING TRANSCRIPTS THEREOF. WHENEVER ANY CHECKS
9 ISSUED IN PAYMENT OF FILING AND/OR LICENSE FEES SHALL BE
10 RETURNED TO THE BOARD AS DISHONORED, THE BOARD SHALL CHARGE A
11 FEE OF FIVE DOLLARS (\$5.00) PER HUNDRED DOLLARS OR FRACTIONAL
12 PART THEREOF, PLUS ALL PROTEST FEES, TO THE MAKER OF SUCH CHECK
13 SUBMITTED TO THE BOARD. FAILURE TO MAKE FULL PAYMENT OR PAY THE
14 FACE AMOUNT OF THE CHECK IN FULL AND ALL CHARGES THEREON AS
15 HEREIN REQUIRED WITHIN TEN DAYS AFTER DEMAND HAS BEEN MADE BY
16 THE BOARD UPON THE MAKER OF THE CHECK OR UPON NOTIFICATION TO
17 THE BOARD BY THE DEPARTMENT OF REVENUE OR THE DEPARTMENT OF
18 LABOR AND INDUSTRY OF ITS OBJECTION, THE LICENSE OF SUCH PERSON
19 SHALL IMMEDIATELY BECOME INVALID AND SHALL REMAIN INVALID UNTIL
20 PAYMENT AND ALL CHARGES ARE RECEIVED BY THE BOARD.

21 (A.1) ANY OUT OF STATE MANUFACTURER WHOSE PRODUCTS ARE SOLD
22 AND DELIVERED WITHIN THIS COMMONWEALTH AND WHOSE PRODUCTION
23 EXCEEDS 15,000 BARRELS PER YEAR SHALL BE AUTHORIZED TO RENT,
24 LEASE OR OTHERWISE ACQUIRE SPACE FROM AN IMPORTING DISTRIBUTOR
25 OR BAILEE FOR HIRE AUTHORIZED BY THIS ACT AT NO MORE THAN TWO
26 LOCATIONS PER MANUFACTURER FOR USE OF A SEGREGATED PORTION OF A
27 WAREHOUSE OR OTHER STORAGE FACILITY OWNED OR OPERATED BY THE
28 IMPORTING DISTRIBUTOR OR BAILEE FOR HIRE AT WHICH THE OUT OF
29 STATE MANUFACTURER MAY STORE AND SELL MALT OR BREWED BEVERAGES
30 TO ANY IMPORTING DISTRIBUTOR TO WHOM THE OUT OF STATE

1 MANUFACTURER HAS GRANTED DISTRIBUTION RIGHTS PURSUANT TO
2 SUBSECTION (B) OR TO ANY PURCHASER OUTSIDE THIS COMMONWEALTH FOR
3 DELIVERY OUTSIDE THIS COMMONWEALTH; OR TO SHIP TO ITS STORAGE
4 FACILITY OUTSIDE THIS COMMONWEALTH. SUCH MANUFACTURER MAY
5 COMPENSATE THE IMPORTING DISTRIBUTOR OR BAILEE FOR HIRE FOR ANY
6 RELATED STORAGE OR DELIVERY SERVICES. THE OUT OF STATE
7 MANUFACTURER MUST FILE WITH THE LIQUOR CONTROL BOARD THE RATE OF
8 COMPENSATION TO BE PAID. A SEPARATE WRITTEN APPLICATION MUST BE
9 FILED TO ACQUIRE STORAGE LICENSES AND THE BOARD MAY ESTABLISH
10 THE INFORMATION THAT MUST BE PROVIDED ON THE APPLICATION. THE
11 INITIAL FILING MUST BE MADE PRIOR TO ANY PAYMENTS BEING MADE,
12 AND ANY SUBSEQUENT CHANGES IN THE RATE OF COMPENSATION MUST BE
13 FILED WITHIN THIRTY DAYS OF ANY SUCH CHANGE. NOTHING IN THIS ACT
14 AUTHORIZING STORAGE FACILITIES FOR OUT OF STATE MANUFACTURERS IS
15 INTENDED TO MAKE ANY CHANGE IN THE MANNER MALT OR BREWED
16 BEVERAGES IS DISTRIBUTED THROUGH THE THREE-TIER SYSTEM.

17 (A.2) THE BOARD SHALL ISSUE TO A HOLDER OF A MANUFACTURER'S
18 LICENSE WHOSE PRODUCTION EXCEEDS 15,000 BARRELS PER YEAR NO MORE
19 THAN TWO STORAGE LICENSES PER MANUFACTURER TO COVER STORAGE
20 FACILITIES SEPARATE FROM THE LOCATION OF THE MANUFACTURING
21 FACILITY. A MANUFACTURER MAY USE ITS STORAGE FACILITIES TO
22 RECEIVE, STORE, SELL AND DISTRIBUTE MALT OR BREWED BEVERAGES IN
23 THE SAME MANNER AS IT CAN AT ITS PLACE OF MANUFACTURE. A
24 SEPARATE WRITTEN APPLICATION MUST BE FILED TO ACQUIRE STORAGE
25 LICENSES AND THE BOARD IS EMPOWERED TO ESTABLISH WHAT
26 INFORMATION MUST BE PROVIDED ON THAT APPLICATION. THE FILING AND
27 LICENSE FEES SHALL BE PRESCRIBED IN SECTION 614-A OF THE ACT OF
28 APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE
29 CODE OF 1929." NOTHING IN THIS ACT AUTHORIZING OFF-SITE STORAGE
30 FACILITIES FOR MANUFACTURERS IS INTENDED TO MAKE ANY CHANGE IN

1 THE MANNER MALT OR BREWED BEVERAGES IS DISTRIBUTED THROUGH THE
2 THREE-TIER SYSTEM.

3 (B) THE BOARD SHALL ISSUE TO ANY REPUTABLE PERSON WHO
4 APPLIES THEREFOR, PAYS THE LICENSE FEE HEREINAFTER PRESCRIBED,
5 AND FILES THE BOND HEREINAFTER REQUIRED, A DISTRIBUTOR'S OR
6 IMPORTING DISTRIBUTOR'S LICENSE FOR THE PLACE WHICH SUCH PERSON
7 DESIRES TO MAINTAIN FOR THE SALE OF MALT OR BREWED BEVERAGES,
8 NOT FOR CONSUMPTION ON THE PREMISES WHERE SOLD, AND IN
9 QUANTITIES OF NOT LESS THAN A CASE OR ORIGINAL CONTAINERS
10 CONTAINING ONE HUNDRED TWENTY-EIGHT OUNCES OR MORE WHICH MAY BE
11 SOLD SEPARATELY AS PREPARED FOR THE MARKET BY THE MANUFACTURER
12 AT THE PLACE OF MANUFACTURE. THE BOARD SHALL HAVE THE DISCRETION
13 TO REFUSE A LICENSE TO ANY PERSON OR TO ANY CORPORATION,
14 PARTNERSHIP OR ASSOCIATION IF SUCH PERSON, OR ANY OFFICER OR
15 DIRECTOR OF SUCH CORPORATION, OR ANY MEMBER OR PARTNER OF SUCH
16 PARTNERSHIP OR ASSOCIATION SHALL HAVE BEEN CONVICTED OR FOUND
17 GUILTY OF A FELONY WITHIN A PERIOD OF FIVE YEARS IMMEDIATELY
18 PRECEDING THE DATE OF APPLICATION FOR THE SAID LICENSE: AND
19 PROVIDED FURTHER, THAT, IN THE CASE OF ANY NEW LICENSE OR THE
20 TRANSFER OF ANY LICENSE TO A NEW LOCATION, THE BOARD MAY, IN ITS
21 DISCRETION, GRANT OR REFUSE SUCH NEW LICENSE OR TRANSFER IF SUCH
22 PLACE PROPOSED TO BE LICENSED IS WITHIN THREE HUNDRED FEET OF
23 ANY CHURCH, HOSPITAL, CHARITABLE INSTITUTION, SCHOOL OR PUBLIC
24 PLAYGROUND, OR IF SUCH NEW LICENSE OR TRANSFER IS APPLIED FOR A
25 PLACE WHICH IS WITHIN TWO HUNDRED FEET OF ANY OTHER PREMISES
26 WHICH IS LICENSED BY THE BOARD: AND PROVIDED FURTHER, THAT THE
27 BOARD SHALL REFUSE ANY APPLICATION FOR A NEW LICENSE OR THE
28 TRANSFER OF ANY LICENSE TO A NEW LOCATION IF, IN THE BOARD'S
29 OPINION, SUCH NEW LICENSE OR TRANSFER WOULD BE DETRIMENTAL TO
30 THE WELFARE, HEALTH, PEACE AND MORALS OF THE INHABITANTS OF THE

1 NEIGHBORHOOD WITHIN A RADIUS OF FIVE HUNDRED FEET OF THE PLACE
2 PROPOSED TO BE LICENSED. THE BOARD SHALL REFUSE ANY APPLICATION
3 FOR A NEW LICENSE OR THE TRANSFER OF ANY LICENSE TO A LOCATION
4 WHERE THE SALE OF LIQUID FUELS OR OIL IS CONDUCTED. THE BOARD
5 SHALL REQUIRE NOTICE TO BE POSTED ON THE PROPERTY OR PREMISES
6 UPON WHICH THE LICENSEE OR PROPOSED LICENSEE WILL ENGAGE IN
7 SALES OF MALT OR BREWED BEVERAGES. THIS NOTICE SHALL BE SIMILAR
8 TO THE NOTICE REQUIRED OF HOTEL, RESTAURANT AND CLUB LIQUOR
9 LICENSEES.

10 EXCEPT AS HEREINAFTER PROVIDED, SUCH LICENSE SHALL AUTHORIZE
11 THE HOLDER THEREOF TO SELL OR DELIVER MALT OR BREWED BEVERAGES
12 IN QUANTITIES ABOVE SPECIFIED ANYWHERE WITHIN THE COMMONWEALTH
13 OF PENNSYLVANIA, WHICH, IN THE CASE OF DISTRIBUTORS, HAVE BEEN
14 PURCHASED ONLY FROM PERSONS LICENSED UNDER THIS ACT AS
15 MANUFACTURERS OR IMPORTING DISTRIBUTORS, AND IN THE CASE OF
16 IMPORTING DISTRIBUTORS, HAVE BEEN PURCHASED FROM MANUFACTURERS
17 OR PERSONS OUTSIDE THIS COMMONWEALTH ENGAGED IN THE LEGAL SALE
18 OF MALT OR BREWED BEVERAGES OR FROM MANUFACTURERS OR IMPORTING
19 DISTRIBUTORS LICENSED UNDER THIS ARTICLE. IN THE CASE OF AN
20 IMPORTING DISTRIBUTOR, THE HOLDER OF SUCH A LICENSE SHALL BE
21 AUTHORIZED TO STORE MALT OR BREWED BEVERAGES OWNED BY AN OUT OF
22 STATE MANUFACTURER AT A SEGREGATED PORTION OF A WAREHOUSE OR
23 OTHER STORAGE FACILITY AUTHORIZED BY SECTION 441(D) AND OPERATED
24 BY THE IMPORTING DISTRIBUTOR WITHIN ITS APPOINTED TERRITORY, AND
25 DELIVER SUCH BEVERAGES TO ANOTHER IMPORTING DISTRIBUTOR WHO HAS
26 BEEN GRANTED DISTRIBUTION RIGHTS BY THE OUT OF STATE
27 MANUFACTURER AS PROVIDED HEREIN. THE IMPORTING DISTRIBUTOR SHALL
28 BE PERMITTED TO RECEIVE A FEE FROM THE OUT OF STATE MANUFACTURER
29 FOR ANY RELATED STORAGE OR DELIVERY SERVICES. IN THE CASE OF A
30 BAILEE FOR HIRE HIRED BY AN OUT OF STATE MANUFACTURER, THE

1 HOLDER OF SUCH A PERMIT SHALL BE AUTHORIZED TO RECEIVE OR STORE
2 MALT OR BREWED BEVERAGES UNDER THE SAME CONDITIONS AS PERMITTED
3 FOR A DISTRIBUTOR OR IMPORTING DISTRIBUTOR UNDER SECTION 441(F),
4 PRODUCED BY THAT OUT OF STATE MANUFACTURER FOR SALE BY THAT
5 MANUFACTURER TO IMPORTING DISTRIBUTORS TO WHOM THAT OUT OF STATE
6 MANUFACTURER HAS GIVEN DISTRIBUTION RIGHTS PURSUANT TO THIS
7 SUBSECTION OR TO PURCHASERS OUTSIDE THIS COMMONWEALTH FOR
8 DELIVERY OUTSIDE THIS COMMONWEALTH; OR TO SHIP TO THAT OUT OF
9 STATE MANUFACTURER'S STORAGE FACILITIES OUTSIDE THIS
10 COMMONWEALTH. THE BAILEE FOR HIRE SHALL BE PERMITTED TO RECEIVE
11 A FEE FROM THE OUT OF STATE MANUFACTURER FOR ANY RELATED STORAGE
12 OR DELIVERY SERVICES. THE BAILEE FOR HIRE SHALL, AS REQUIRED IN
13 ARTICLE V OF THIS ACT, KEEP COMPLETE AND ACCURATE RECORDS OF ALL
14 TRANSACTIONS, INVENTORY, RECEIPTS AND SHIPMENTS AND MAKE ALL
15 RECORDS AND THE LICENSED AREAS AVAILABLE FOR INSPECTION BY THE
16 BOARD AND FOR THE PENNSYLVANIA STATE POLICE, BUREAU OF LIQUOR
17 CONTROL ENFORCEMENT DURING NORMAL BUSINESS HOURS.

18 EACH OUT OF STATE MANUFACTURER OF MALT OR BREWED BEVERAGES
19 WHOSE PRODUCTS ARE SOLD AND DELIVERED IN THIS COMMONWEALTH SHALL
20 GIVE DISTRIBUTING RIGHTS FOR SUCH PRODUCTS IN DESIGNATED
21 GEOGRAPHICAL AREAS TO SPECIFIC IMPORTING DISTRIBUTORS, AND SUCH
22 IMPORTING DISTRIBUTOR SHALL NOT SELL OR DELIVER MALT OR BREWED
23 BEVERAGES MANUFACTURED BY THE OUT OF STATE MANUFACTURER TO ANY
24 PERSON ISSUED A LICENSE UNDER THE PROVISIONS OF THIS ACT WHOSE
25 LICENSED PREMISES ARE NOT LOCATED WITHIN THE GEOGRAPHICAL AREA
26 FOR WHICH HE HAS BEEN GIVEN DISTRIBUTING RIGHTS BY SUCH
27 MANUFACTURER. SHOULD A LICENSEE ACCEPT THE DELIVERY OF SUCH MALT
28 OR BREWED BEVERAGES IN VIOLATION OF THIS SECTION, SAID LICENSEE
29 SHALL BE SUBJECT TO A SUSPENSION OF HIS LICENSE FOR AT LEAST
30 THIRTY DAYS: PROVIDED, THAT THE IMPORTING DISTRIBUTOR HOLDING

1 SUCH DISTRIBUTING RIGHTS FOR SUCH PRODUCT SHALL NOT SELL OR
2 DELIVER THE SAME TO ANOTHER IMPORTING DISTRIBUTOR WITHOUT FIRST
3 HAVING ENTERED INTO A WRITTEN AGREEMENT WITH THE SAID SECONDARY
4 IMPORTING DISTRIBUTOR SETTING FORTH THE TERMS AND CONDITIONS
5 UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE TERRITORY
6 GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE
7 MANUFACTURER.

8 WHEN A PENNSYLVANIA MANUFACTURER OF MALT OR BREWED BEVERAGES
9 LICENSED UNDER THIS ARTICLE NAMES OR CONSTITUTES A DISTRIBUTOR
10 OR IMPORTING DISTRIBUTOR AS THE PRIMARY OR ORIGINAL SUPPLIER OF
11 HIS PRODUCT, HE SHALL ALSO DESIGNATE THE SPECIFIC GEOGRAPHICAL
12 AREA FOR WHICH THE SAID DISTRIBUTOR OR IMPORTING DISTRIBUTOR IS
13 GIVEN DISTRIBUTING RIGHTS, AND SUCH DISTRIBUTOR OR IMPORTING
14 DISTRIBUTOR SHALL NOT SELL OR DELIVER THE PRODUCTS OF SUCH
15 MANUFACTURER TO ANY PERSON ISSUED A LICENSE UNDER THE PROVISIONS
16 OF THIS ACT WHOSE LICENSED PREMISES ARE NOT LOCATED WITHIN THE
17 GEOGRAPHICAL AREA FOR WHICH DISTRIBUTING RIGHTS HAVE BEEN GIVEN
18 TO THE DISTRIBUTOR AND IMPORTING DISTRIBUTOR BY THE SAID
19 MANUFACTURER: PROVIDED, THAT THE IMPORTING DISTRIBUTOR HOLDING
20 SUCH DISTRIBUTING RIGHTS FOR SUCH PRODUCT SHALL NOT SELL OR
21 DELIVER THE SAME TO ANOTHER IMPORTING DISTRIBUTOR WITHOUT FIRST
22 HAVING ENTERED INTO A WRITTEN AGREEMENT WITH THE SAID SECONDARY
23 IMPORTING DISTRIBUTOR SETTING FORTH THE TERMS AND CONDITIONS
24 UNDER WHICH SUCH PRODUCTS ARE TO BE RESOLD WITHIN THE TERRITORY
25 GRANTED TO THE PRIMARY IMPORTING DISTRIBUTOR BY THE
26 MANUFACTURER. NOTHING HEREIN CONTAINED SHALL BE CONSTRUED TO
27 PREVENT ANY MANUFACTURER FROM AUTHORIZING THE IMPORTING
28 DISTRIBUTOR HOLDING THE DISTRIBUTING RIGHTS FOR A DESIGNATED
29 GEOGRAPHICAL AREA FROM SELLING THE PRODUCTS OF SUCH MANUFACTURER
30 TO ANOTHER IMPORTING DISTRIBUTOR ALSO HOLDING DISTRIBUTING

1 RIGHTS FROM THE SAME MANUFACTURER FOR ANOTHER GEOGRAPHICAL AREA,
2 PROVIDING SUCH AUTHORITY BE CONTAINED IN WRITING AND A COPY
3 THEREOF BE GIVEN TO EACH OF THE IMPORTING DISTRIBUTORS SO
4 AFFECTED.

5 * * *

6 SECTION 7. SECTION 433.1(A) AND (B) OF THE ACT, AMENDED
7 APRIL 29, 1994 (P.L.212, NO.30) AND FEBRUARY 18, 1998 (P.L.162,
8 NO.25), ARE AMENDED TO READ:

9 SECTION 433.1. STADIUM OR ARENA PERMITS.--(A) THE BOARD IS
10 HEREBY AUTHORIZED TO ISSUE, IN CITIES OF THE FIRST, SECOND AND
11 THIRD CLASS, IN COUNTIES OF THE THIRD CLASS, IN SCHOOL DISTRICTS
12 IN COUNTIES OF THE THIRD CLASS AND IN TOWNSHIPS OF THE SECOND
13 CLASS IN COUNTIES OF THE FIFTH CLASS, SPECIAL PERMITS ALLOWING
14 THE HOLDERS THEREOF TO MAKE RETAIL SALES OF MALT OR BREWED
15 BEVERAGES IN SHATTERPROOF CONTAINERS AT ALL EVENTS ON PREMISES
16 PRINCIPALLY UTILIZED FOR COMPETITION OF PROFESSIONAL AND AMATEUR
17 ATHLETES AND OTHER TYPES OF ENTERTAINMENT HAVING AN AVAILABLE
18 SEATING CAPACITY OF; (1) TWELVE THOUSAND OR MORE IN CITIES OF
19 THE FIRST AND SECOND CLASS; (2) FOUR THOUSAND OR MORE AND OWNED
20 BY THE COUNTY OR THE CITY IN CITIES OF THE THIRD CLASS; (3) FOUR
21 THOUSAND TWO HUNDRED OR MORE AND OWNED BY COUNTIES OF THE THIRD
22 CLASS; (4) TWO THOUSAND FIVE HUNDRED OR MORE IN SCHOOL DISTRICTS
23 IN COUNTIES OF THE THIRD CLASS; AND (5) FIVE THOUSAND OR MORE IN
24 TOWNSHIPS OF THE SECOND CLASS IN COUNTIES OF THE FIFTH CLASS:
25 PROVIDED, HOWEVER, THAT IN CITIES OF THE SECOND CLASS THIS
26 SECTION SHALL BE APPLICABLE ONLY TO PREMISES OWNED, LEASED OR
27 OPERATED BY ANY AUTHORITY CREATED UNDER THE ACT OF JULY 29, 1953
28 (P.L.1034, NO.270), KNOWN AS THE "PUBLIC AUDITORIUM AUTHORITIES
29 LAW." SUCH SALES MAY BE MADE ONLY TO ADULTS AND ONLY ON DAYS
30 WHEN THE PREMISES ARE SO USED AND ONLY DURING THE PERIOD FROM

1 ONE HOUR BEFORE THE START OF AND ENDING ONE-HALF HOUR AFTER THE
2 CLOSE OF THE EVENT ON THE PREMISES: PROVIDED, HOWEVER, THAT IN
3 SCHOOL DISTRICTS IN COUNTIES OF THE THIRD CLASS SALES MAY NOT BE
4 MADE [ONLY] DURING [PROFESSIONAL] HIGH SCHOOL AND
5 INTERCOLLEGIATE ATHLETIC COMPETITION.

6 SECTION 8. SECTION 441(A) OF THE ACT, AMENDED MAY 31, 1996
7 (P.L.312, NO.49), IS AMENDED TO READ:

8 SECTION 441. DISTRIBUTORS' AND IMPORTING DISTRIBUTORS'
9 RESTRICTIONS ON SALES, STORAGE, ETC.--(A) NO DISTRIBUTOR OR
10 IMPORTING DISTRIBUTOR SHALL PURCHASE, RECEIVE OR RESELL ANY MALT
11 OR BREWED BEVERAGES EXCEPT:

12 (1) IN THE ORIGINAL CONTAINERS AS PREPARED FOR THE MARKET BY
13 THE MANUFACTURER AT THE PLACE OF MANUFACTURE; [OR]

14 (2) IN THE CASE OF IDENTICAL CONTAINERS REPACKAGED IN THE
15 MANNER DESCRIBED BY SUBSECTION (F)[.]; OR

16 (3) AS PROVIDED IN SECTION 431(B).

17 * * *

18 SECTION 9. SECTION 443(E) AND (F) OF THE ACT ARE AMENDED TO
19 READ:

20 SECTION 443. INTERLOCKING BUSINESS PROHIBITED.--* * *

21 (E) EXCEPTING AS HEREINAFTER PROVIDED, NO MANUFACTURER OF
22 MALT OR BREWED BEVERAGES SHALL IN ANY WISE BE INTERESTED, EITHER
23 DIRECTLY OR INDIRECTLY, IN THE OWNERSHIP OR LEASEHOLD OF ANY
24 PROPERTY OR ANY MORTGAGE LIEN AGAINST THE SAME, FOR WHICH A
25 DISTRIBUTOR'S OR IMPORTING DISTRIBUTOR'S LICENSE IS GRANTED; NOR
26 SHALL ANY SUCH MANUFACTURER, EITHER DIRECTLY OR INDIRECTLY, LEND
27 ANY MONEYS, CREDIT, OR THEIR EQUIVALENT TO, OR GUARANTEE THE
28 PAYMENT OF ANY BOND, MORTGAGE, NOTE OR OTHER OBLIGATION OF, ANY
29 DISTRIBUTOR OR IMPORTING DISTRIBUTOR, IN EQUIPPING, FITTING OUT,
30 OR MAINTAINING AND CONDUCTING, EITHER IN WHOLE OR IN PART, AN

1 ESTABLISHMENT OR BUSINESS WHERE MALT OR BREWED BEVERAGES ARE
2 LICENSED FOR SALE BY A DISTRIBUTOR OR IMPORTING DISTRIBUTOR,
3 EXCEPTING ONLY THE USUAL CREDITS ALLOWED FOR THE RETURN OF
4 ORIGINAL CONTAINERS IN WHICH MALT OR BREWED BEVERAGES WERE
5 ORIGINALLY PACKAGED FOR THE MARKET BY THE MANUFACTURER AT THE
6 PLACE OF MANUFACTURE: PROVIDED, HOWEVER, THAT A HOLDER OF A
7 MANUFACTURER'S LICENSE UNDER SECTION 431(A) WHO IS ELIGIBLE TO
8 OPERATE A BREWERY PUB UNDER SECTION 446(2) OR A LIMITED WINERY
9 AS PROVIDED FOR UNDER SECTION 505.2 MAY ALSO HOLD AND OPERATE
10 UNDER A HOTEL LIQUOR LICENSE, A RESTAURANT LIQUOR LICENSE OR A
11 MALT AND BREWED BEVERAGES RETAIL LICENSE ON THE MANUFACTURER'S
12 OR LIMITED WINERY'S LICENSED PREMISES. THE HOTEL LIQUOR LICENSE
13 OR RESTAURANT LIQUOR LICENSE OR THE MALT AND BREWED BEVERAGES
14 RETAIL LICENSE SHALL BE ACQUIRED BY THE MANUFACTURER OR LIMITED
15 WINERY SUBJECT TO SECTION 461 AND SHALL SATISFY ALL REQUIREMENTS
16 FOR EACH RESPECTIVE LICENSE. NOTHING IN THIS SECTION SHALL BE
17 CONSTRUED TO PROHIBIT AN OUT OF STATE MANUFACTURER FROM ENGAGING
18 IN A TRANSACTION OR MAKING PAYMENTS AUTHORIZED BY SECTION
19 431(A.1).

20 (F) NO DISTRIBUTOR, IMPORTING DISTRIBUTOR OR RETAIL
21 DISPENSER SHALL IN ANYWISE RECEIVE, EITHER DIRECTLY OR
22 INDIRECTLY, ANY CREDIT, LOAN, MONEYS OR THE EQUIVALENT THEREOF
23 FROM ANY OTHER LICENSEE, OR FROM ANY OFFICER, DIRECTOR OR FIRM
24 MEMBER OF ANY OTHER LICENSEE, OR FROM OR THROUGH A SUBSIDIARY OR
25 AFFILIATE OF ANOTHER LICENSEE, OR FROM ANY FIRM, ASSOCIATION OR
26 CORPORATION, EXCEPT BANKING INSTITUTIONS, IN WHICH ANOTHER
27 LICENSEE OR ANY OFFICER, DIRECTOR OR FIRM MEMBER OF ANOTHER
28 LICENSEE HAS A SUBSTANTIAL INTEREST OR EXERCISES A CONTROL OF
29 ITS BUSINESS POLICY, FOR EQUIPPING, FITTING OUT, PAYMENT OF
30 LICENSE FEE, MAINTAINING AND CONDUCTING, EITHER IN WHOLE OR IN

1 PART, AN ESTABLISHMENT OR BUSINESS OPERATED UNDER A
2 DISTRIBUTOR'S, IMPORTING DISTRIBUTOR'S OR RETAIL DISPENSER'S
3 LICENSE, EXCEPTING ONLY THE USUAL AND CUSTOMARY CREDITS ALLOWED
4 FOR THE RETURN OF ORIGINAL CONTAINERS IN WHICH MALT OR BREWED
5 BEVERAGES WERE PACKAGED FOR THE MARKET BY THE MANUFACTURER AT
6 THE PLACE OF MANUFACTURE: PROVIDED, HOWEVER, THAT A HOLDER OF A
7 MANUFACTURER'S LICENSE UNDER SECTION 431(A) WHO IS ELIGIBLE TO
8 OPERATE A BREWERY PUB UNDER SECTION 446(2) OR A LIMITED WINERY
9 AS PROVIDED FOR UNDER SECTION 505.2 MAY ALSO HOLD AND OPERATE
10 UNDER A HOTEL LIQUOR LICENSE, A RESTAURANT LIQUOR LICENSE OR A
11 MALT AND BREWED BEVERAGES RETAIL LICENSE ON THE MANUFACTURER'S
12 OR LIMITED WINERY'S LICENSED PREMISES. THE HOTEL LIQUOR LICENSE
13 OR RESTAURANT LIQUOR LICENSE OR THE MALT AND BREWED BEVERAGES
14 RETAIL LICENSE SHALL BE ACQUIRED BY THE MANUFACTURER OR LIMITED
15 WINERY SUBJECT TO SECTION 461 AND SHALL SATISFY ALL REQUIREMENTS
16 FOR EACH RESPECTIVE LICENSE. NOTHING IN THIS SECTION SHALL BE
17 CONSTRUED TO PROHIBIT AN IMPORTING DISTRIBUTOR FROM RECEIVING
18 PAYMENT FROM AN OUT OF STATE MANUFACTURER FOR ENGAGING IN A
19 TRANSACTION OR PERFORMING SERVICES AUTHORIZED BY SECTION 431(B)
20 OR 444(A.1).

21 * * *

22 SECTION 10. SECTION 444(E) OF THE ACT IS AMENDED AND THE
23 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

24 SECTION 444. MALT OR BREWED BEVERAGES MANUFACTURED OUTSIDE
25 THIS COMMONWEALTH.--* * *

26 (A.1) ANY OUT OF STATE MANUFACTURER OF MALT OR BREWED
27 BEVERAGES MAY APPOINT AN IMPORTING DISTRIBUTOR OR BAILEE FOR
28 HIRE TO PERFORM THE SERVICES PRESCRIBED IN SECTION 431(B) AND
29 PROVIDE A FEE TO AN IMPORTING DISTRIBUTOR OR BAILEE FOR HIRE WHO
30 PERFORMS SUCH SERVICES.

1 * * *

2 (E) UPON SUCH HEARING, WHETHER OR NOT AN APPEARANCE WAS MADE
3 BY SUCH OUTSIDE MANUFACTURER, IF SATISFIED THAT ANY SUCH
4 VIOLATION HAS OCCURRED, THE BOARD IS SPECIFICALLY EMPOWERED AND
5 DIRECTED TO ISSUE AN ORDER IMPOSING A FINE UPON SUCH OUTSIDE
6 MANUFACTURER OF NOT LESS THAN FIVE HUNDRED DOLLARS (\$500) OR
7 MORE THAN TEN THOUSAND DOLLARS (\$10,000), OR PROHIBITING THE
8 IMPORTATION OF MALT OR BREWED BEVERAGES MANUFACTURED BY SUCH
9 [OUTSIDE] OUT OF STATE MANUFACTURER INTO THIS COMMONWEALTH FOR A
10 PERIOD NOT EXCEEDING THREE YEARS, OR BOTH. SUCH FINE OR
11 PROHIBITION SHALL NOT GO INTO EFFECT UNTIL TWENTY DAYS HAVE
12 ELAPSED FROM THE DATE OF NOTICE OF ISSUANCE OF THE BOARD'S
13 ORDER.

14 * * *

15 SECTION 4 11. SECTION 461(A) OF THE ACT, AMENDED OCTOBER 5, <—
16 1994 (P.L.522, NO.77), IS AMENDED TO READ:

17 SECTION 461. LIMITING NUMBER OF RETAIL LICENSES TO BE ISSUED
18 IN EACH MUNICIPALITY.--(A) NO LICENSES SHALL HEREAFTER BE
19 GRANTED BY THE BOARD FOR THE RETAIL SALE OF MALT OR BREWED
20 BEVERAGES OR THE RETAIL SALE OF LIQUOR AND MALT OR BREWED
21 BEVERAGES IN EXCESS OF ONE OF SUCH LICENSES OF ANY CLASS FOR
22 EACH THREE THOUSAND INHABITANTS IN ANY MUNICIPALITY, EXCLUSIVE
23 OF LICENSES GRANTED TO AIRPORT RESTAURANTS, MUNICIPAL GOLF
24 COURSES, HOTELS, PRIVATELY-OWNED PUBLIC GOLF COURSES AND UNITS
25 OF NONPROFIT NATIONALLY CHARTERED CLUBS, AS DEFINED IN THIS
26 SECTION, WHOSE APPLICATIONS ARE FILED ON OR BEFORE DECEMBER 31,
27 [1994] 1998, AND EXCEPT THOSE UNITS FALLING UNDER SECTION 461.1,
28 AND CLUBS; BUT AT LEAST ONE SUCH LICENSE MAY BE GRANTED IN EACH
29 MUNICIPALITY AND IN EACH PART OF A MUNICIPALITY WHERE SUCH
30 MUNICIPALITY IS SPLIT SO THAT EACH PART THEREOF IS SEPARATED BY

1 ANOTHER MUNICIPALITY, EXCEPT IN MUNICIPALITIES WHERE THE
2 ELECTORS HAVE VOTED AGAINST THE GRANTING OF ANY RETAIL LICENSES
3 AND EXCEPT IN THAT PART OF A SPLIT MUNICIPALITY WHERE THE
4 ELECTORS HAVE VOTED AGAINST THE GRANTING OF ANY RETAIL LICENSES.
5 NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED AS DENYING
6 THE RIGHT TO THE BOARD TO RENEW OR TO TRANSFER EXISTING RETAIL
7 LICENSES OF ANY CLASS NOTWITHSTANDING THAT THE NUMBER OF SUCH
8 LICENSED PLACES IN A MUNICIPALITY SHALL EXCEED THE LIMITATION
9 HEREINBEFORE PRESCRIBED; BUT WHERE SUCH NUMBER EXCEEDS THE
10 LIMITATION PRESCRIBED BY THIS SECTION, NO NEW LICENSE, EXCEPT
11 FOR HOTELS, MUNICIPAL GOLF COURSES, AIRPORT RESTAURANTS,
12 PRIVATELY-OWNED PUBLIC GOLF COURSES, PRIVATELY-OWNED PRIVATE
13 GOLF COURSE LICENSEES AND UNITS OF NONPROFIT NATIONALLY
14 CHARTERED CLUBS, AS DEFINED IN THIS SECTION, WHOSE APPLICATIONS
15 ARE FILED ON OR BEFORE DECEMBER 31, [1994] 1998, AND EXCEPT
16 THOSE UNITS FALLING UNDER SECTION 461.1, SHALL BE GRANTED SO
17 LONG AS SAID LIMITATION IS EXCEEDED.

18 * * *

19 SECTION 12. SECTION 461.1 OF THE ACT, AMENDED JUNE 30, 1992 <—
20 (P.L.327, NO.66), IS AMENDED TO READ:

21 SECTION 461.1. INCORPORATED UNITS OF NATIONAL VETERANS'
22 ORGANIZATIONS.--(A) THE BOARD SHALL HAVE THE AUTHORITY TO ISSUE
23 NEW LICENSES TO INCORPORATED UNITS OF NATIONAL VETERANS'
24 ORGANIZATIONS, AS DEFINED HEREIN, IN MUNICIPALITIES WHERE THE
25 NUMBER OF LICENSES EXCEEDS THE LIMITATION PRESCRIBED BY SECTION
26 461.

27 (B) THE TERM "NATIONAL VETERANS' ORGANIZATION" SHALL MEAN
28 ANY VETERANS' ORGANIZATION HAVING A NATIONAL CHARTER.

29 THE TERM "INCORPORATED UNIT OF A NATIONAL VETERANS'
30 ORGANIZATION" SHALL MEAN ANY INCORPORATED POST, BRANCH, CAMP,

1 DETACHMENT, LODGE OR OTHER SUBORDINATE UNIT OF A NATIONAL
2 VETERANS' ORGANIZATION HAVING ONE HUNDRED OR MORE PAID UP
3 MEMBERS AND ORGANIZED FOR A PERIOD OF AT LEAST ONE YEAR PRIOR TO
4 FILING THE APPLICATION FOR A LICENSE. THE TERM DOES NOT INCLUDE
5 AUXILIARIES, "SONS OF" OR OTHER SIMILAR ORGANIZATION.

6 THE TERM "AFFILIATED ORGANIZATION" SHALL MEAN HOME
7 ASSOCIATIONS, HOME CORPORATIONS, AUXILIARIES, "SONS OF" OR
8 SIMILAR ORGANIZATIONS WHICH ARE DIRECTLY AFFILIATED WITH AN
9 INCORPORATED UNIT OR A NATIONAL VETERANS' ORGANIZATION. AN
10 AFFILIATED ORGANIZATION MUST MEET THE DEFINITION OF A CLUB SET
11 FORTH IN SECTION 102, EXCEPT THAT:

12 (1) IF INCORPORATED, THE AFFILIATED ORGANIZATION NEED NOT
13 HAVE BEEN IN CONTINUOUS EXISTENCE FOR AT LEAST ONE YEAR PRIOR TO
14 ITS APPLICATION; OR

15 (2) IF UNINCORPORATED, THE AFFILIATED ORGANIZATION NEED NOT
16 HAVE BEEN IN CONTINUOUS EXISTENCE FOR AT LEAST TEN YEARS PRIOR
17 TO ITS APPLICATION.

18 (C) WHEN THE CHARTER OF AN INCORPORATED UNIT OF A NATIONAL
19 VETERANS' ORGANIZATION IS SUSPENDED OR REVOKED, THE [RETAIL]
20 CLUB LICENSE OF THE ORGANIZATION SHALL ALSO BE SUSPENDED OR
21 [REVOKED] RESCINDED. THE [RETAIL] CLUB LICENSE OF AN
22 INCORPORATED UNIT OF A NATIONAL VETERANS' ORGANIZATION IS NOT
23 TRANSFERABLE TO ANY OTHER ORGANIZATION OR PERSON[.], EXCEPT AS
24 PROVIDED IN THIS SECTION.

25 (D) AN INCORPORATED UNIT OF A NATIONAL VETERANS'
26 ORGANIZATION MAY TRANSFER ITS CLUB LICENSE TO ITS AFFILIATED
27 ORGANIZATION AS LONG AS, IN ADDITION TO FULFILLING ALL THE
28 REQUIREMENTS PERTAINING TO THE TRANSFER OF CLUB LICENSES, THE
29 STATE DEPARTMENT OF THE NATIONAL VETERANS' ORGANIZATION PROVIDES
30 THE BOARD WITH WRITTEN APPROVAL FOR SUCH A TRANSFER. THE LICENSE

1 SHALL BE SUSPENDED OR RESCINDED UPON THE SUSPENSION OR
2 REVOCATION OF THE CHARTER OF THE AFFILIATED INCORPORATED UNIT OF
3 THE NATIONAL VETERANS' ORGANIZATION. THE LICENSE SHALL ALSO BE
4 RESCINDED UPON REQUEST OF THE STATE DEPARTMENT OF THE NATIONAL
5 VETERANS' ORGANIZATION OR IF THE AFFILIATED ORGANIZATION'S
6 AFFILIATION WITH THE INCORPORATED UNIT OF THE NATIONAL VETERANS'
7 ORGANIZATION IS SEVERED.

8 (E) ONLY ONE CLUB LICENSE MAY BE ISSUED TO THE INCORPORATED
9 UNIT OF THE NATIONAL VETERANS' ORGANIZATION, AND THE BOARD MAY
10 NOT ISSUE A LICENSE TO AN INCORPORATED UNIT OF A NATIONAL
11 VETERANS' ORGANIZATION IF ANY OF THE UNIT'S AFFILIATED
12 ORGANIZATIONS HOLDS A CLUB LICENSE.

13 (F) FOR PURPOSES OF THIS SECTION, A MUNICIPALITY WHICH
14 PERMITS THE ISSUANCE OF CLUB LIQUOR LICENSES TO INCORPORATED
15 UNITS OF NATIONAL VETERANS' ORGANIZATIONS ALSO PERMITS THE
16 TRANSFER OF SUCH LICENSES TO AN AFFILIATED ORGANIZATION OF THE
17 INCORPORATED UNIT OF THE NATIONAL VETERANS' ORGANIZATION.

18 (G) AN INCORPORATED UNIT OF A NATIONAL VETERANS' ASSOCIATION
19 OR AN AFFILIATED ORGANIZATION WHICH HAS ITS LICENSE SUSPENDED OR
20 RESCINDED OR ITS REQUEST FOR TRANSFER DENIED UNDER THIS SECTION
21 MAY REQUEST A HEARING BEFORE A HEARING EXAMINER UNDER SECTION
22 464. THE BOARD MAY NOT CONSIDER THE PROPRIETY OF THE STATE
23 DEPARTMENT OF THE NATIONAL VETERANS' ORGANIZATION'S DECISION TO
24 SUSPEND THE CHARTER, REVOKE THE CHARTER OR REFUSE TO APPROVE THE
25 TRANSFER. THE WRITTEN REQUEST FROM THE STATE DEPARTMENT OF THE
26 NATIONAL VETERANS' ORGANIZATION, STANDING ALONE, IS ADMISSIBLE
27 EVIDENCE AT THE BOARD HEARING. AN APPEAL OF THE BOARD'S DECISION
28 MAY BE TAKEN UNDER SECTION 464, EXCEPT THAT THE APPEAL SHALL NOT
29 ACT AS A SUPERSEDEAS OF THE BOARD'S DECISION.

30 SECTION 13. SECTION 468(A) AND (C) OF THE ACT, AMENDED OR

1 ADDED JUNE 24, 1982 (P.L.624, NO.176), ARE AMENDED TO READ:

2 SECTION 468. LICENSES NOT ASSIGNABLE; TRANSFERS.--(A) (1)
3 LICENSES ISSUED UNDER THIS ARTICLE MAY NOT BE ASSIGNED. THE
4 BOARD, UPON PAYMENT OF THE TRANSFER FILING FEE AND THE EXECUTION
5 OF A NEW BOND, IS HEREBY AUTHORIZED TO TRANSFER ANY LICENSE
6 ISSUED BY IT UNDER THE PROVISIONS OF THIS ARTICLE FROM ONE
7 PERSON TO ANOTHER OR FROM ONE PLACE TO ANOTHER, OR BOTH, WITHIN
8 THE SAME MUNICIPALITY, AND IF THE APPLICANT IS A UNIT OF A
9 NONPROFIT NATIONALLY CHARTERED CLUB, THE BOARD IS HEREBY
10 AUTHORIZED TO TRANSFER SUCH LICENSE TO A PLACE IN ANY OTHER
11 MUNICIPALITY WITHIN THE SAME COUNTY IF THE SALE OF LIQUOR OR
12 MALT AND BREWED BEVERAGES ARE LEGAL IN SUCH OTHER MUNICIPALITY
13 AS THE BOARD MAY DETERMINE. PRIOR TO THE APPROVAL OF AN
14 APPLICATION FOR TRANSFER BY A UNIT OF A NONPROFIT NATIONALLY
15 CHARTERED CLUB THE BOARD SHALL MAKE AN AFFIRMATIVE FINDING, UPON
16 PROOF SUBMITTED BY THE APPLICANT, AND AFTER INVESTIGATION BY THE
17 BOARD, THAT AT THE TIME THE APPLICATION FOR TRANSFER IS MADE THE
18 CLUB CONTINUES TO HOLD A VALID NATIONAL CHARTER AND CONTINUES TO
19 FUNCTION IN FACT AS A CLUB AS DEFINED IN SECTION 102. THE BOARD,
20 IN ITS DISCRETION, MAY TRANSFER AN EXISTING RESTAURANT RETAIL
21 DISPENSER OR CLUB LICENSE FROM ONE MUNICIPALITY TO ANOTHER IN
22 THE SAME COUNTY REGARDLESS OF THE QUOTA LIMITATIONS PROVIDED FOR
23 IN THIS ACT, IF SALES OF LIQUOR OR MALT AND BREWED BEVERAGES ARE
24 LEGAL IN SUCH OTHER MUNICIPALITY AND IF THE RESTAURANT RETAIL
25 DISPENSER OR CLUB LOST THE USE OF THE BUILDING IN WHICH IT WAS
26 LOCATED DUE TO GOVERNMENTAL EXERCISE OF THE RIGHT OF EMINENT
27 DOMAIN AND NO OTHER SUITABLE BUILDING CAN BE FOUND IN THE FIRST
28 MUNICIPALITY.

29 (2) (I) THE BOARD, IN ITS DISCRETION, MAY TRANSFER AN
30 EXISTING RESTAURANT LIQUOR LICENSE FROM ONE MUNICIPALITY TO

1 ANOTHER MUNICIPALITY OF THE SAME COUNTY OR IN A CONTIGUOUS
2 COUNTY REGARDLESS OF THE QUOTA LIMITATIONS PROVIDED FOR IN THIS
3 ACT, IF:

4 (A) SALES OF LIQUOR OR MALT AND BREWED BEVERAGES ARE LEGAL
5 IN SUCH OTHER MUNICIPALITY;

6 (B) THE LOCATION IN THE SAME COUNTY OR A CONTIGUOUS COUNTY
7 IS AN INDOOR BOWLING CENTER; AND

8 (C) THE RESTAURANT LIQUOR LICENSE IS CURRENTLY LOCATED IN AN
9 AREA WHICH HAS BEEN DESIGNATED AS BLIGHTED.

10 (II) FOR PURPOSES OF THIS SUBSECTION, A PROPERTY SHALL BE
11 DETERMINED TO BE BLIGHTED IF IT IS ANY OF THE FOLLOWING:

12 (A) REAL PROPERTY WITHIN OR OUTSIDE A CERTIFIED
13 REDEVELOPMENT AREA DETERMINED TO BE BLIGHTED PROPERTY UNDER THE
14 ACT OF MAY 24, 1945 (P.L.991, NO.385), KNOWN AS THE "URBAN
15 REDEVELOPMENT LAW";

16 (B) ANY PROPERTY DECLARED TO BE BLIGHTED, UNDER THE "URBAN
17 REDEVELOPMENT LAW," BY A PENNSYLVANIA LOCAL GOVERNMENT OR ITS
18 AGENCY; OR

19 (C) ANY PROPERTY WHICH IS LOCATED WITHIN A REDEVELOPMENT
20 AREA, WHEN ONE OF THE STATED PURPOSES OF DESIGNATION AS A
21 REDEVELOPMENT AREA IS TO REMOVE BLIGHT, DESIGNATED BY A LOCAL
22 GOVERNMENT OR ITS AGENCIES UNDER THE "URBAN REDEVELOPMENT LAW."

23 (III) IF A RESTAURANT LIQUOR LICENSE IS TRANSFERRED TO AN
24 INDOOR BOWLING CENTER LOCATED OUTSIDE OF THE MUNICIPALITY IN
25 WHICH THE LICENSE WAS ORIGINALLY ISSUED, THAT RESTAURANT LIQUOR
26 LICENSE MAY NOT BE TRANSFERRED WITHIN FIVE YEARS OF THE DATE OF
27 INITIAL TRANSFER UNLESS THE SUBSEQUENT TRANSFER IS FOR USE IN AN
28 INDOOR BOWLING CENTER. IN THE CASE OF DISTRIBUTOR AND IMPORTING
29 DISTRIBUTOR LICENSES, THE BOARD MAY TRANSFER ANY SUCH LICENSE
30 FROM ITS PLACE IN A MUNICIPALITY TO A PLACE IN ANY OTHER

1 MUNICIPALITY WITHIN THE SAME COUNTY, OR FROM ONE PLACE TO
2 ANOTHER PLACE WITHIN THE SAME MUNICIPALITY, OR EXCHANGE A
3 DISTRIBUTOR LICENSE FOR AN IMPORTING DISTRIBUTOR LICENSE OR AN
4 IMPORTING DISTRIBUTOR LICENSE FOR A DISTRIBUTOR LICENSE, IF THE
5 BUILDING FOR WHICH THE LICENSE IS TO BE ISSUED HAS, IN THE CASE
6 OF AN IMPORTING DISTRIBUTOR LICENSE, AN AREA UNDER ONE ROOF OF
7 TWO THOUSAND FIVE HUNDRED SQUARE FEET AND, IN THE CASE OF A
8 DISTRIBUTOR LICENSE, AN AREA UNDER ONE ROOF OF ONE THOUSAND
9 SQUARE FEET: AND PROVIDED, THAT, IN THE CASE OF ALL TRANSFERS OF
10 DISTRIBUTOR OR IMPORTING DISTRIBUTOR LICENSES, WHETHER FROM A
11 PLACE WITHIN THE SAME MUNICIPALITY TO ANOTHER PLACE WITHIN THE
12 SAME MUNICIPALITY OR FROM A PLACE IN A MUNICIPALITY TO A PLACE
13 IN ANY OTHER MUNICIPALITY WITHIN THE SAME COUNTY, AND, IN THE
14 CASE OF AN EXCHANGE OF A DISTRIBUTOR LICENSE FOR AN IMPORTING
15 DISTRIBUTOR LICENSE OR AN IMPORTING DISTRIBUTOR LICENSE FOR A
16 DISTRIBUTOR LICENSE, THE PREMISES TO BE AFFECTED BY THE TRANSFER
17 OR EXCHANGE SHALL CONTAIN AN OFFICE SEPARATE AND APART FROM THE
18 REMAINDER OF THE PREMISES TO BE LICENSED FOR THE PURPOSE OF
19 KEEPING RECORDS, REQUIRED BY THE BOARD, ADEQUATE TOILET
20 FACILITIES FOR EMPLOYEES OF THE LICENSEE AND AN ENTRANCE ON A
21 PUBLIC THOROUGHFARE: PROVIDED, HOWEVER, THAT IN THE EVENT THAT
22 THE MAJORITY OF THE VOTING ELECTORS OF A MUNICIPALITY, AT AN
23 ELECTION HELD UNDER THE PROVISIONS OF ANY LAW SO EMPOWERING THEM
24 TO DO, SHALL VOTE AGAINST THE ISSUANCE OF DISTRIBUTOR OR
25 IMPORTING DISTRIBUTOR LICENSES IN SUCH MUNICIPALITY, THE BOARD
26 IS HEREBY AUTHORIZED TO TRANSFER ANY SUCH DISTRIBUTOR OR
27 IMPORTING DISTRIBUTOR LICENSE FROM ITS PLACE IN SUCH
28 MUNICIPALITY TO A PLACE IN ANY OTHER MUNICIPALITY WITHIN THE
29 SAME COUNTY, UPON APPLICATION PRIOR TO THE EXPIRATION OF ANY
30 SUCH LICENSE AND UPON PAYMENT OF THE TRANSFER FILING FEE AND THE

1 EXECUTION OF A NEW BOND; BUT NO TRANSFER SHALL BE MADE TO A
2 PERSON WHO WOULD NOT HAVE BEEN ELIGIBLE TO RECEIVE THE LICENSE
3 ORIGINALLY NOR FOR THE TRANSACTION OF BUSINESS AT A PLACE FOR
4 WHICH THE LICENSE COULD NOT LAWFULLY HAVE BEEN ISSUED
5 ORIGINALLY, NOR, EXCEPT AS HEREIN PROVIDED, TO A PLACE AS TO
6 WHICH A LICENSE HAS BEEN REVOKED.

7 (3) NO LICENSE SHALL BE TRANSFERRED TO ANY PLACE OR PROPERTY
8 UPON WHICH IS LOCATED AS A BUSINESS THE SALE OF LIQUID FUELS AND
9 OIL. EXCEPT IN CASES OF EMERGENCY SUCH AS DEATH, SERIOUS
10 ILLNESS, OR CIRCUMSTANCES BEYOND THE CONTROL OF THE LICENSEE, AS
11 THE BOARD MAY DETERMINE SUCH CIRCUMSTANCES TO JUSTIFY ITS
12 ACTION, TRANSFERS OF LICENSES MAY BE MADE ONLY AT TIMES FIXED BY
13 THE BOARD. IN THE CASE OF THE DEATH OF A LICENSEE, THE BOARD MAY
14 TRANSFER THE LICENSE TO THE SURVIVING SPOUSE OR PERSONAL
15 REPRESENTATIVE OR TO A PERSON DESIGNATED BY HIM. FROM ANY
16 REFUSAL TO GRANT A TRANSFER OR UPON THE GRANT OF ANY TRANSFER,
17 THE PARTY AGGRIEVED SHALL HAVE THE RIGHT OF APPEAL TO THE PROPER
18 COURT IN THE MANNER HEREINBEFORE PROVIDED.

19 * * *

20 (C) (1) THE TERM "NONPROFIT NATIONALLY CHARTERED CLUB" SHALL
21 MEAN ANY CLUB WHICH DOES NOT CONTEMPLATE PECUNIARY GAIN OR
22 PROFIT, INCIDENTAL OR OTHERWISE, HAVING A NATIONAL CHARTER.

23 (2) THE TERM "UNIT OF A NONPROFIT NATIONALLY CHARTERED CLUB"
24 SHALL MEAN ANY POST, BRANCH, LODGE OR OTHER SUBORDINATE UNIT OF
25 A NONPROFIT NATIONALLY CHARTERED CLUB.

26 (3) THE TERM "INDOOR BOWLING CENTER" SHALL MEAN AN ENCLOSED
27 FACILITY OF AT LEAST TWELVE THOUSAND SQUARE FEET WITH A MINIMUM
28 OF EIGHTEEN BOWLING LANES AND WHICH HAS AS ITS PRIMARY FOCUS THE
29 OFFERING OF BOWLING AS A RECREATIONAL ACTIVITY TO THE GENERAL
30 PUBLIC.

1 * * *

2 SECTION 5 14. SECTION 470(A) OF THE ACT, AMENDED APRIL 29, <—
3 1994 (P.L.212, NO.30), IS AMENDED TO READ:

4 SECTION 470. RENEWAL OF LICENSES; TEMPORARY PROVISIONS FOR
5 LICENSEES IN ARMED SERVICE.--(A) ALL APPLICATIONS FOR RENEWAL
6 OF LICENSES UNDER THE PROVISIONS OF THIS ARTICLE SHALL BE FILED
7 WITH A NEW BOND, TAX CLEARANCE FROM THE DEPARTMENT OF REVENUE
8 AND THE DEPARTMENT OF LABOR AND INDUSTRY AND REQUISITE LICENSE
9 AND FILING FEES AT LEAST SIXTY DAYS BEFORE THE EXPIRATION DATE
10 OF SAME: PROVIDED, HOWEVER, THAT THE BOARD, IN ITS DISCRETION,
11 MAY ACCEPT NUNC PRO TUNC A RENEWAL APPLICATION FILED LESS THAN <—
12 SIXTY DAYS BEFORE THE EXPIRATION DATE OF THE LICENSE WITH THE
13 REQUIRED BOND AND FEES, UPON REASONABLE CAUSE SHOWN AND THE
14 PAYMENT OF AN ADDITIONAL FILING FEE OF ONE HUNDRED DOLLARS
15 (\$100.00) FOR LATE FILING: AND PROVIDED FURTHER, THAT EXCEPT
16 WHERE THE FAILURE TO FILE A RENEWAL APPLICATION ON OR BEFORE THE
17 EXPIRATION DATE HAS CREATED A LICENSE QUOTA VACANCY AFTER SAID
18 EXPIRATION DATE WHICH HAS BEEN FILLED BY THE ISSUANCE OF A NEW
19 LICENSE, AFTER SUCH EXPIRATION DATE, BUT BEFORE THE BOARD HAS
20 RECEIVED A RENEWAL APPLICATION NUNC PRO TUNC WITHIN THE TIME <—
21 PRESCRIBED HEREIN THE BOARD, IN ITS DISCRETION, MAY, AFTER
22 HEARING, ACCEPT A RENEWAL APPLICATION FILED WITHIN [TEN MONTHS]
23 TWO YEARS AFTER THE EXPIRATION DATE OF THE LICENSE WITH THE
24 REQUIRED BOND AND FEES UPON THE PAYMENT OF AN ADDITIONAL FILING
25 FEE OF TWO HUNDRED FIFTY DOLLARS (\$250.00) FOR LATE FILING.
26 WHERE ANY SUCH RENEWAL APPLICATION IS FILED LESS THAN SIXTY DAYS
27 BEFORE THE EXPIRATION DATE, OR SUBSEQUENT TO THE EXPIRATION
28 DATE, NO LICENSE SHALL ISSUE UPON THE FILING OF THE RENEWAL
29 APPLICATION UNTIL THE MATTER IS FINALLY DETERMINED BY THE BOARD
30 AND IF AN APPEAL IS TAKEN FROM THE BOARD'S ACTION THE COURTS

1 SHALL NOT ORDER THE ISSUANCE OF THE RENEWAL LICENSE UNTIL FINAL
2 DETERMINATION OF THE MATTER BY THE COURTS. A RENEWAL APPLICATION
3 WILL NOT BE CONSIDERED FILED UNLESS ACCOMPANIED BY A NEW BOND
4 AND THE REQUISITE FILING AND LICENSE FEES AND ANY ADDITIONAL
5 FILING FEE REQUIRED BY THIS SECTION. UNLESS THE BOARD SHALL HAVE
6 GIVEN TEN DAYS' PREVIOUS NOTICE TO THE APPLICANT OF OBJECTIONS
7 TO THE RENEWAL OF HIS LICENSE, BASED UPON VIOLATION BY THE
8 LICENSEE OR HIS SERVANTS, AGENTS OR EMPLOYES OF ANY OF THE LAWS
9 OF THE COMMONWEALTH OR REGULATIONS OF THE BOARD RELATING TO THE
10 MANUFACTURE, TRANSPORTATION, USE, STORAGE, IMPORTATION,
11 POSSESSION OR SALE OF LIQUORS, ALCOHOL OR MALT OR BREWED
12 BEVERAGES, OR THE CONDUCT OF A LICENSED ESTABLISHMENT, OR UNLESS
13 THE APPLICANT HAS BY HIS OWN ACT BECOME A PERSON OF ILL REPUTE,
14 OR UNLESS THE PREMISES DO NOT MEET THE REQUIREMENTS OF THIS ACT
15 OR THE REGULATIONS OF THE BOARD, THE LICENSE OF A LICENSEE SHALL
16 BE RENEWED.

17 * * *

18 SECTION ~~6~~ 15. SECTION 493(11) OF THE ACT IS AMENDED TO READ: <—
19 SECTION 493. UNLAWFUL ACTS RELATIVE TO LIQUOR, MALT AND
20 BREWED BEVERAGES AND LICENSEES.--THE TERM "LICENSEE," WHEN USED
21 IN THIS SECTION, SHALL MEAN THOSE PERSONS LICENSED UNDER THE
22 PROVISIONS OF ARTICLE IV, UNLESS THE CONTEXT CLEARLY INDICATES
23 OTHERWISE.

24 IT SHALL BE UNLAWFUL--

25 * * *

26 (11) LICENSEES EMPLOYED BY OTHERS. [FOR ANY HOTEL,
27 RESTAURANT OR CLUB LIQUOR LICENSEE, OR ANY MALT OR BREWED
28 BEVERAGE LICENSEE, OR ANY SERVANT, AGENT OR EMPLOYEE OF SUCH
29 LICENSEE, TO BE AT THE SAME TIME EMPLOYED, DIRECTLY OR
30 INDIRECTLY, BY ANY OTHER PERSON ENGAGED IN THE MANUFACTURE,

1 SALE, TRANSPORTATION OR STORAGE OF LIQUOR, MALT OR BREWED
2 BEVERAGES OR ALCOHOL: PROVIDED, THAT ANY PERSON (EXCEPT A
3 LICENSEE OR THE MANAGER, OFFICER OR DIRECTOR OF A LICENSEE) WHO
4 IS EMPLOYED BY A RETAIL LICENSEE TO PREPARE OR SERVE FOOD AND
5 BEVERAGES MAY BE EMPLOYED IN THE SAME CAPACITY BY ANOTHER RETAIL
6 LICENSEE DURING OTHER HOURS OR ON OTHER DAYS.] FOR ANY HOTEL,
7 RESTAURANT OR CLUB LIQUOR LICENSEE, OR ANY MALT OR BREWED
8 BEVERAGE LICENSEE, OR ANY OFFICER, SERVANT, AGENT OR EMPLOYE OF
9 SUCH LICENSEE, TO BE AT THE SAME TIME EMPLOYED, DIRECTLY OR
10 INDIRECTLY, BY ANY DISTRIBUTOR, IMPORTING DISTRIBUTOR,
11 MANUFACTURER, IMPORTER OR VENDOR LICENSEE OR ANY OUT-OF-STATE
12 MANUFACTURER. IT SHALL ALSO BE UNLAWFUL FOR ANY DISTRIBUTOR OR
13 IMPORTING DISTRIBUTOR, OR ANY OFFICER, SERVANT, AGENT OR EMPLOYE
14 OF SUCH LICENSEE TO BE AT THE SAME TIME EMPLOYED, DIRECTLY OR
15 INDIRECTLY, BY ANY OTHER DISTRIBUTOR, IMPORTING DISTRIBUTOR,
16 MANUFACTURER, IMPORTER, VENDOR, OUT-OF-STATE MANUFACTURER, HOTEL
17 RESTAURANT, MALT OR BREWED BEVERAGE LICENSEE, OR CLUB LIQUOR
18 LICENSEE. IT SHALL ALSO BE UNLAWFUL FOR ANY MANUFACTURER,
19 IMPORTER, OR VENDOR LICENSEE, OR ANY OUT-OF-STATE MANUFACTURER
20 OR ANY OFFICER, SERVANT, AGENT OR EMPLOYE OF SUCH LICENSEE, OR
21 MANUFACTURER, TO BE AT THE SAME TIME EMPLOYED, DIRECTLY OR
22 INDIRECTLY, BY ANY HOTEL, RESTAURANT OR CLUB LIQUOR LICENSEE OR
23 ANY MALT OR BREWED BEVERAGE LICENSEE OR ANY DISTRIBUTOR OR
24 IMPORTING DISTRIBUTOR LICENSEE. NOTHING IN THIS SUBSECTION SHALL
25 BE CONSTRUED TO PROHIBIT A MANUFACTURER OR LIMITED WINERY
26 LICENSEE OR ANY OFFICER, SERVANT, AGENT OR EMPLOYE OF SUCH
27 LICENSEE TO BE EMPLOYED AT THE SAME TIME BY A HOTEL, RESTAURANT
28 OR RETAIL DISPENSER LICENSEE, IF THE HOTEL, RESTAURANT OR RETAIL
29 DISPENSER LICENSEE IS LOCATED AT THE MANUFACTURER OR LIMITED
30 WINERY PREMISES PURSUANT TO SECTION 443. FOR THE PURPOSES OF

1 THIS SUBSECTION, AN OFFICER, SERVANT, AGENT OR EMPLOYE OF A
2 LICENSEE OR MANUFACTURER IS AN INDIVIDUAL WHO HAS EITHER AN
3 OWNERSHIP INTEREST IN THE LICENSEE OR MANUFACTURER OR WHO
4 RECEIVES COMPENSATION FOR HIS OR WORK ON BEHALF OF THE LICENSEE
5 OR MANUFACTURER.

6 * * *

7 SECTION 7 16. SECTION 493(18) AND (19) OF THE ACT ARE <—
8 REPEALED.

9 SECTION 8 17. THE AMENDMENT OF SECTION 406.1 OF THE ACT <—
10 RELATING TO SECONDARY SERVICE AREAS SHALL ONLY APPLY TO
11 APPLICATIONS ON FILE ON OR AFTER THE EFFECTIVE DATE OF THIS
12 SECTION.

13 ~~SECTION 9. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.~~ <—

14 SECTION 18. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

15 (1) THE ADDITION OF SECTION 406(A)(8) OF THE ACT AND
16 THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

17 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
18 DAYS.